

REMARKS

Claims 1-22 are pending in the application and are rejected. Claim 1 is amended herein and new claim 23 is added.

The specification has been amended at page 11 to correct inadvertent typographical errors in the tables of Examples 2 and 3. Those tables are simply carried forward from the parent patent no. 6,670,313, column 5, and a comparison with that patent makes evident the errors.

Claims 1-22 are rejected under 35 U.S.C. § 102(b) as being anticipated by each of U.S. patent nos. 5,792,469 and 5,632,727 and 5,725,491 to Tipton et al., 6,086,905 and 5,703,104 to Peck et al. and applicant's prior patent no. 5,140,986.

The Peck et al. patents disclose families of chemical compounds that are intended to reduce systemic absorption of chemicals via skin exposure. The mechanism is speculated to depend on the disclosed chemicals' ability to absorb into the stratum corneum and modify the physical characteristics of the skin lipids, thereby reducing the ability of said lipids to absorb chemicals from the surface of the skin. (See Peck et al. '104, col. 2, lines 24-31; Peck et al. '905, EXAMPLE 13). The method of applicant's claim 1, on the other hand, is intended to prevent contaminant chemicals from being absorbed into the stratum corneum. In order to clarify this point, claim 1 has been amended to specify a method of inhibiting "absorption into a person's skin" of a contaminant chemical. The Peck et al. compositions, on the other hand, cannot function as barriers to percutaneous absorption unless they are absorbed into the stratum corneum so as to modify the characteristics of the lipids therein.

Thus the mechanism disclosed by Peck et al. to act as a barrier to skin penetration is completely different from that set forth in applicant's claim 1.

Furthermore, claim 1 specifies that the non-aqueous solvent system which is applied to the skin includes plural constituents, "each" having a molecular weight of at least 350. This is

for the purpose of preventing these constituents from entering the skin. This is not true of the Peck et al. compositions. The use of such high molecular weight constituents exclusively would be unsuitable for the Peck et al. compositions, which require that they be absorbed into the stratum corneum in order to operate as intended. For all these reasons, it is believed that, as amended, claim 1 and the claims 2-13 dependent thereon patentably distinguish from the Peck et al. patents.

The method of claim 14 differs from that of claim 1 in that it relates to the decontamination of a surface which has already been exposed to a contaminant chemical. Nothing in the Peck et al. patents discloses or suggests the use of the Peck et al. compositions for the purpose of decontaminating already contaminated surfaces. Thus, for this reason alone, it is believed that claim 14 and the claims dependent thereon patentably distinguish from the Peck et al. patents.

Additionally, each of claims 1-22 requires that the solvent system applied to the person's skin include "at least one solvent in which the contaminant chemical is soluble." The Peck et al. compositions do not operate by dissolving the contaminant chemicals. The design of the Peck et al. compositions is based, not on their ability to dissolve contaminant chemicals, but rather on their ability to modify the physical characteristics of skin lipids. Thus, this affords an additional reason for the patentability of claims 1-22 over the Peck et al. patents.

The Tipton et al. patents all have substantially the same disclosure and the rejections based on these patents are respectfully traversed. The compositions, dressings and methods disclosed by Tipton et al. do not appear to have anything to do with either inhibiting absorption of a contaminant chemical into a person's skin or with decontamination of already contaminated surfaces. Tipton et al. discloses a micro-porous polymeric physical barrier for use primarily as a

wound dressing. Indeed, the patents disclose that the film formulations may carry biologically active chemicals, e.g., drugs, and that the film delivers these chemicals to the skin to **effect** skin absorption. The only “barrier” properties taught by Tipton et al. are those of a physical barrier to infectious agents, such as microorganisms (see col. 8, lines 22-31 of the ‘727 patent). The smallest pore size disclosed (3-50 microns) could have no chemical barrier properties. Thus, claims 1-13 are clearly patentable over the Tipton et al. patents.

Furthermore, each of claims 1-22 calls for application to a person’s skin of a “non-aqueous solvent system.” The Tipton et al. compositions, on the other hand, depend for their operation upon contact with an aqueous based fluid so as to coagulate or solidify the film, this aqueous based fluid either being tissue-based fluids or water (see col. 7, lines 1-8). The whole point of the Tipton et al. compositions and methods is to form a microbial barrier, while **permitting** absorption of chemicals into the skin, which is the exact antithesis of applicant’s claimed invention. Accordingly, it is believed that, as amended, claims 1-22 are clearly patentable over the Tipton et al. patents.

Applicant’s own prior patent, Klingner 5,140,986, discloses a number of solvents to remove chemical contamination from the skin, most of which are not high molecular weight solvents. More importantly, none of the disclosed solvents includes plural constituents, “each” having a molecular weight of at least 350, as is required by each of applicant’s claims 1-22. Accordingly, it is believed that, as amended, claims 1-22 patentably distinguish from Klingner ‘986.

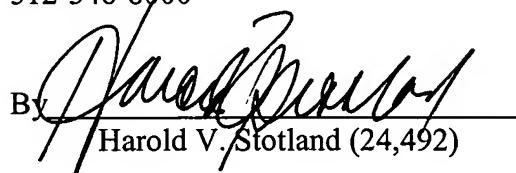
New claim 23 is similar to original claim 1, except that it specifies that the solvent system is “emollient-free” and includes first and second solvents which have different contaminant solubilities. No such arrangement is disclosed or suggested by any of the cited references. Thus,

for this reason, as well as the reasons set forth above with respect to claim 1, it is believed that new claim 23 patentably distinguishes from all of the cited art.

For all of the foregoing reasons, it is believed that claims 1-23 are now in condition for allowance and the allowance thereof is respectfully asked.

Respectfully submitted,

Seyfarth Shaw LLP
Attorneys for Assignee
55 East Monroe Street
Suite 4200
Chicago, Illinois 60603-5803
312-346-8000

By 
Harold V. Stotland (24,492)